

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

JACK D. McCULLOUGH,)	
)	
Plaintiff,)	
)	Case No. 3:17 cv 50116
v.)	
)	Judge John J. Tharp, Jr.
ILLINOIS STATE POLICE AGENT BRION)	
HANLEY, et al.,)	Magistrate Judge Iain D. Johnston
)	
Defendants.)	

SEATTLE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants, City of Seattle, Detectives Cloyd Steiger, Irene Lau, and Michael Ciesynski, (“Seattle Defendants”), by their attorneys, pursuant to Federal Rule of Civil Procedure 56, hereby moves this Court for entry of summary judgment on all claims against them. In support thereof, Seattle Defendants state as follows:

1. Plaintiff’s lawsuit arises from his arrest, prosecution and conviction for the abduction and murder of seven-year-old Maria Ridulph in 1957.

2. Plaintiff alleges the following claims against the Seattle Defendants:

Counts I¹ and IV – Fabrication of Evidence pursuant to the Fourteenth Amendment;

Count III – Failure to Intervene;

Count V – Unreasonable Pretrial Detention pursuant to the Fourth Amendment;

Count VI - Conspiracy to Deprive Constitutional Rights;

Count VII – State Law Malicious Prosecution;

Count VIII – State Law Intentional Infliction of Emotional Distress (“IIED”);

Count IX – State Law Civil Conspiracy;

¹ Plaintiff’s due process claim against Seattle Defendants in Count I based on the alleged “suppression of exculpatory material” under *Brady* was previously dismissed by Judge Kapala in his ruling on our motion to dismiss. Dkt. 149 at 11-12. While Count IV is specifically entitled “fabrication of evidence,” Count I arguably includes allegations also suggesting fabrication of evidence.

Count X – State Law *Respondeat Superior*;

Count XI – State Law Indemnification. (SAC, Dkt. 181).

3. Plaintiff has been unable to develop evidence to support his claims against the Seattle Defendants, including any evidence that they violated plaintiff's Fourth or Fourteenth Amendment rights, maliciously prosecuted plaintiff, intentionally inflicted emotional distress, conspired with the other defendants to fabricate evidence, or failed to intervene.

4. In support of this motion, Seattle Defendants rely upon their Memorandum of Law in Support of Summary Judgment and their Rule 56.1 Statement of Undisputed Material Facts.

WHEREFORE, Defendants, City of Seattle, Detectives Cloyd Steiger, Irene Lau, and Michael Ciesynski, respectfully request that this Court grant their motion for summary judgment in its entirety in their favor, for costs, and grant any further relief deemed just and equitable.

Respectfully submitted,

s/ Daniel M. Noland

One of the Attorneys for Defendants,
City of Seattle, Irene Lau, Cloyd Steiger,
and Michael Ciesynski

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CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2020, I electronically filed the foregoing *Seattle Defendants' Motion for Summary Judgment*, with the Clerk of the Court using the ECF system, which sent electronic notification of the filing on the same day to all counsel of record:

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